



Experts Available: For the People Act and SCOTUS Voting Rights Cases

MARCH 2, 2021

Harrison Young

This week, voting rights in America hang in the balance. In the House, representatives will consider the [For the People Act \(H.R. 1\)](#), which would implement structural changes to improve voting access and shore up protections against discrimination. Meanwhile in the Supreme Court, justices will hear arguments today in [two consolidated cases](#) which could spell the end of the Voting Rights Act as we know it. To provide analysis on both H.R. 1 and the SCOTUS cases, SSN has democracy experts available and ready to comment.

For the People Act

AMEL AHMED

University of Massachusetts-Amherst



"H.R. 1 represents an important step toward achieving an affirmative right to vote in the United States. It goes beyond the prevention of discrimination to focus on ways to empower voters. This includes measures for automatic voter registration, secure mail-in voting, and many election administration improvements that would streamline in-person voting. Such provisions remove known obstacles to participation and simplify what can often be a confusing multi-stage multi-deadline time-consuming process for voters."

CHARLOTTE HILL

University of California-Berkeley



"H.R.1 gets talked about as a Democratic bill, but really, it's a pro-democracy bill. It makes the voting process fairer, more secure, and more consistent across the country, so we come closer to everyone having an equal voice in our elections."

THESSALIA MERIVAKI

Georgetown University



"HR is a comprehensive effort by the federal government to mandate uniform election procedures across the states, such as mail voting, early in person voting, same day registration and online voter registration. It also aims to provide continuous financial assistance to the states for election administration. As is, this proposal is very likely to be met with concerns about federal intervention in elections, and it appears to be contradictory to many states' efforts to adopt restrictions on voting."

CIARA TORRES-SPELLISCY

Stetson University



"American Democracy went through a near-death experience on January 6, when a mob tried to stop the lawful and constitutionally-mandated count of electoral college votes. If we want to protect and fortify our democracy, Congress should act now to enact more protections for voters. H.R.1 would do just that."

MARK RUSH

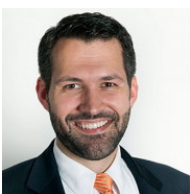
Washington and Lee University



"The For the People Act is an absolutely necessary initiative. Promoting open, accessible democratic participation is a bedrock principle for any democracy. Our history has shown, however, that it is necessary for Congress to take the lead in ensuring free, fair, and open elections and policing actions by the states that would work to diminish the people's right to participate in the process by which their government is chosen. HR 1 is critically important."

DOUGLAS M. SPENCER

University of Colorado Boulder



"Likely the most sweeping electoral reform bill in modern American history, HR1 aims to comprehensively address every aspect of the election infrastructure that has contributed to our broken politics. Election laws are usually evaluated based on whether they benefit or burden the right to vote, or the right to spend money. HR1 recognizes that election laws actually impact the way that our government ultimately functions."

SCOTUS Cases

THESSALIA MERIVAKI

Georgetown University



"On the 2 consolidated SCOTUS cases, there is no systematic evidence that the absentee voting process, including ballot harvesting, invites rampant voter fraud. As the amicus brief filed on the case, Arizona, as well as other states, have safety protocols to ensure that eligible voters cast their ballots and only legal votes are counted. What is more, these protocols are able to identify efforts to commit election fraud, as demonstrated in North Carolina in 2018, and in Florida in 2020.

Regarding Section 2 of the VRA, extensive research confirms that there is no race-neutral election policy, especially measured by the impact on voter participation among minorities, as compared to white voters. What is more, the statement that "used disproportionately by racial minorities" is misleading, as the term "voting practice" can be interpreted in different ways."

MARK RUSH

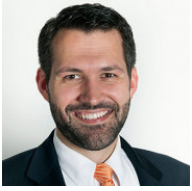
Washington and Lee University



"*Brnovich v. Democratic National Committee* will force the Court to decide whether it will abide by a backward-looking, legalistic approach to voting rights or embrace efforts to assist voters who may be confused by changes to election procedures made by state governments. Fears of fraud (on which such changes are allegedly based) have proven to be unfounded. Even if some voters end up casting votes in the wrong precinct, their number is so small (and can be addressed by provisional ballots) that this would make little difference compared to the mass, systematic disenfranchisement of voters by arcane rules that are ultimately designed to diminish—not improve—access to the polls."

DOUGLAS M. SPENCER

University of Colorado Boulder



"If this is the case that ultimately sinks the Voting Rights Act it will be a tragedy. These particular (consolidated) cases are a poor vehicle for assessing the scope of the VRA or congressional authority under the 15th Amendment. The disputed provisions are very narrow and highly contextual, meaning the Court is unlikely to provide any clarity for future litigation because the facts of future cases are likely to be very different. If the Supreme Court is itching to rein in Section 2 of the Voting Rights Act then this case will give them the opportunity, but it hardly addresses issues in real dispute, such as voter ID laws, gerrymandering, or purging the voter rolls. In a more general sense, when the Supreme Court neutered the VRA in *Shelby County*, it assured us that the decision was not all that consequential because Section 2 remained good law. It would be quite disappointing if the Court turns around and neuters Section 2 less than 10 years later."